

1 the Constitution the requirement that there shall be a  
2 secret poll of the lawyers concerning the qualifications of  
3 a judge who is standing for reelection, and that that poll  
4 shall be published. As I remember it, the principal  
5 argument which was made for this proposal was that the  
6 public would like to know how lawyers felt about the judge  
7 on the bench.

8 I suggest that they be told without having to  
9 provide in the Constitution that kind of secret poll. My  
10 concerns about that are really two. I think we always know  
11 there are a fixed percentage of people who always vote  
12 against things. It seems to me unfair for a judge who  
13 may be a very good judge, in fact, one of his qualities  
14 is that he is a strong judge, and he runs his courtroom and  
15 the lawyers don't run the courtroom, and he decides cases  
16 fairly, but there are some lawyers who are displeased with  
17 his decisions, or with his conduct as a judge, or who just  
18 don't like him, and so there is a poll and there will be, let  
19 us say, at best 15 percent of the lawyers/<sup>who</sup> might vote against  
20 him.

21 It seems to me that is an unfair blemish to put